

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

2007 OCT 10 AM 10:04

UNITED STATES OF AMERICA,

Plaintiff,

v.

Juan HERON-Salinas

Defendant.

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ2416

BY CL COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1326

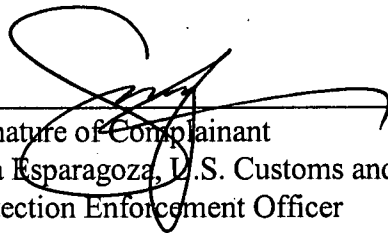
Attempted Entry After

Deportation (FELONY)

The undersigned complainant being duly sworn states:

On or about **October 9, 2007**, within the Southern District of California, defendant **Juan HERON-Salinas**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, attempted to enter the United States with the purpose; i.e. conscious desire, to enter the United States at the **San Ysidro, California, Port of Entry**, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


Signature of Complainant
Sara Esparagoza, U.S. Customs and Border
Protection Enforcement Officer

Sworn to before me and subscribed in my presence, this 10th day of **October 2007**.


UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT

On October 9, 2007, at approximately 06:30 AM, **Juan HERON-Salinas (Defendant)**, attempted to enter the United States from Mexico through the San Ysidro, California Port of Entry vehicle primary lanes. During inspection before a U. S. Customs and Border Protection Officer, Defendant was discovered attempting to elude inspection concealed inside the trunk of a 2001 white Volkswagen Jetta. Defendant was one of four undocumented aliens found concealed and removed from inside the trunk of the vehicle. The CBP primary officer escorted the vehicle and Defendant to secondary inspection for further investigation.

During secondary inspection, Defendant was searched by fingerprint submission through the Integrated Automated Fingerprint Identification System (IAFIS). IAFIS returned a match to the query confirming Defendant's identity and linking him to an Immigration Service record and FBI record. Deportable Alien Control System (DACS) queries confirmed Defendant to be a citizen of Mexico with no legal rights or documents to enter the United States. DACS records indicate Defendant was ordered deported from the United States by an Immigration Judge on or about December 30, 2004, and was physically removed from the United States to Mexico through Calexico, California. Immigration records contain no evidence that Defendant has applied for, or received permission from the Attorney General or the Secretary of Homeland Security to legally re-enter the United States.